

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed  
and for which a patent is sought on the invention entitled:

**ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES**

the specification of which

  X   is attached hereto.

           was filed on            as Application No.           

I hereby state that I have reviewed and understand the contents of the above-identified  
specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of  
this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states  
in relevant part: "Each individual associated with the filing and prosecution of a patent  
application has a duty of candor and good faith in dealing with the Office, which includes a duty  
to disclose to the Office all information known to that individual to be material to patentability as  
defined in this section....The duty to disclose all information known to be material to  
patentability is deemed to be satisfied if all information known to be material to patentability of  
any claim issued in a patent was cited by the Office or submitted to the Office in the manner  
prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any  
foreign application(s) for patent or inventor's certificate as indicated below and have also  
identified below any foreign application for patent or inventor's certificate on this invention  
having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

            
(Number)

            
(Country)

            
(Day/Month/Year Filed)

       Yes        No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), and under §119(e) of any United States provisional application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/059,383</u>	<u>9/19/97</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Paul Davis	29,294
Mark A. Haynes	30,846
John Bruckner	35,816
Charles C. Cary	36,764
David J. Weitz	38,362
Kent R. Richardson	39,443
David Abraham	39,554
U.P. Peter Eng	39,666
George A. Willman	41,378

Address all correspondence to:

**Charles C. Cary**  
**Wilson Sonsini Goodrich & Rosati**  
**650 Page Mill Road**  
**Palo Alto, CA 94304**

Direct all telephone calls to Charles C. Cary at (650) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

Christopher D. Casscells

Inventor's signature:



Date:

7/3/98

Citizenship:

USA

Residence:

Greenville, Delaware

Post Office Address:

100 Buck Road, Greenville, DE 19807

Full name of second  
inventor:

Ramiro L. Reyes

Inventor's signature:

Date:

Citizenship:

USA

Residence:

Union City, California

Post Office Address:

32626 Muirwood Drive, Union City, CA 94587

Full name of third  
inventor:

Hugh R. Sharkey

Inventor's signature:

Date:

Citizenship:

USA

Residence:

Woodside, California

Post Office Address:

150 Normandy, Woodside, CA 94062

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Yes No

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Inventor's signature:

Date:

Citizenship:

USA

Residence:

Greenville, Delaware

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100 Buck Road, Greenville, DE 19807

Full name of second  
inventor:

Ramiro L. Reyes

Inventor's signature:

*Ramiro L. Reyes*  
4-14-98

Date:

Citizenship:

USA

Residence:

Union City, California

Post Office Address:

32626 Muirwood Drive, Union City, CA 94587

Full name of third  
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Hugh R. Sharkey

Inventor's signature:

*Hugh R. Sharkey*  
4-14-98

Date:

Citizenship:

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Residence:

Woodside, California

Post Office Address:

150 Normandy, Woodside, CA 94062

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  X   was filed on April 24, 1998 as Application No. 09/066,615  
and amended on August 15, 2000

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(Number)

(Country)

(Day/Month/Year Filed)

Yes

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<u>60/059,383</u>	<u>9/19/97</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Patented, Pending, Abandoned)
<u>09/034,830</u>	<u>3/4/98</u>	<u>Patented</u>
(Application Serial No.)	(Filing Date)	(Patented, Pending, Abandoned)
<u>09/034,885</u>	<u>3/4/98</u>	<u>Patented</u>
(Application Serial No.)	(Filing Date)	(Patented, Pending, Abandoned)

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John J. Bruckner	35,816
David J. Weitz	38,362
Barbara Courtney	42,442
Richard L. Gregory	42,607
Van Mahamedi	42,828
X. Shirley Chen	44,608
Shaaluu Mehra	44,934

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**Wilson Sonsini Goodrich & Rosati**  
**650 Page Mill Road**  
**Palo Alto, CA 94304**

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Full name of sole or  
first inventor:

Christopher D. Casseels

Inventor's signature:



Date:

8/22/00

Citizenship:

USA

Residence:

Greenville, Delaware

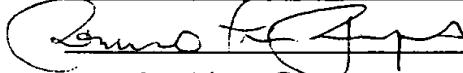
Post Office Address:

100 Buck Road, Greenville, DE 19807

Full name of second  
inventor:

Ramiro L. Reyes

Inventor's signature:



Date:

8-16-00

Citizenship:

USA

Residence:

Union City, California

Post Office Address:

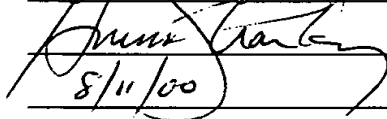
32626 Muirwood Drive, Union City, CA 94587

Full name of third

inventor:

Hugh R. Sharkey

Inventor's signature:



Date:

8/11/00

Citizenship:

USA

Residence:

Woodside, California

Post Office Address:

150 Normandy, Woodside, CA 94062

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 17616-786  
PATENT

In re Application of )  
 )  
Christopher D. Casscells, et al. )  
 )  
Serial No.: Unassigned )  
 )  
Filed: Herewith )  
 )  
For: ELECTROCAUTERIZING TOOL )  
FOR ORTHOPEDIC SHAVE )  
DEVICES )

POWER OF ATTORNEY BY ASSIGNEE  
TO EXCLUSION OF INVENTOR UNDER 37 C.F.R. § 3.71  
WITH REVOCATION OF PRIOR POWERS

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints Charles C. Cary, of Wilson Sonsini Goodrich & Rosati, Reg. No. 36,764 and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

X a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

— the Assignment recorded on \_\_\_\_\_ at reel \_\_\_, frames \_\_\_ - \_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

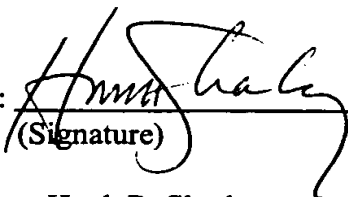
00734505-420500

Direct all telephone calls to Charles C. Cary (650) 493-9300

Address all correspondence to:

Charles C. Cary  
WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, California 94304-1050

ASSIGNEE: Oratec Interventions, Inc.

Name:   
(Signature)

Name: Hugh R. Sharkey  
(Print or Type)

Title: Executive Vice President

Date: 4-14-98

09734686 120500

**JOINT TO CORPORATE  
ASSIGNMENT**

WHEREAS, the undersigned,

CASSELLS, Christopher D.  
100 Buck Road  
Greenville, DE 19807

REYES, Ramiro L.  
32626 Muirwood Drive  
Union City, CA 94587

and;

SHARKEY, Hugh R.  
150 Normandy Lane  
Woodside, CA 94062

hereinafter termed "Inventors", have invented certain new and useful improvements in

**ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES**

and have filed an application for a United States patent disclosing and identifying the above invention on date herewith as Application No. not yet assigned (hereinafter termed "application") (we hereby authorize the assignee to fill in the blanks); and

WHEREAS, Oratec Interventions, Inc., a corporation of the State of California, having a place of business at 3700 Haven Court, Menlo Park, California 94025, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed;

(b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below.

  
\_\_\_\_\_  
Christopher D. Casscells

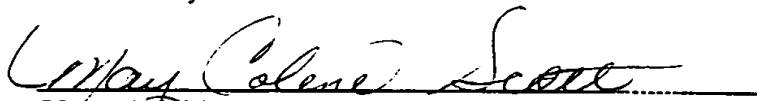
4/3/98  
\_\_\_\_\_  
Date

State of California )  
County of Santa Clara )

On 4/3, 1998, before me, \_\_\_\_\_  
personally appeared \_\_\_\_\_

☒ personally known to me or ☐ proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
(Notary Public)

State of California )

County of Santa Clara )

Ramiro L. Reyes  
Ramiro L. Reyes

On April 14, 1998, before me, Lori M. Reyes  
personally appeared Ramiro L. Reyes

☒ personally known to me or ☐ proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

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State of California )

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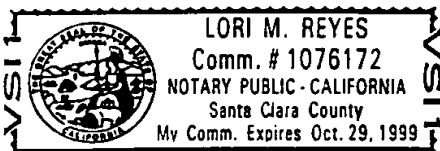
Hugh R. Sharkey  
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